

Application No.: 10/764,571

Docket No.: 713-1029

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1-20 are pending in the application. Claims 1-3 have been amended to better define the claimed invention. Claims 4-20 have been added to provide Applicants with the scope of protection to which they are believed entitled. The specification and Abstract have been revised to be compliant with commonly accepted US patent practice. No new matter has been introduced through the foregoing amendments.

The objections to the specification are believed overcome in view of the above amendments.

The rejections of claims 1-3 as being anticipated by or obvious over *West* (U.S. Patent No. 6,354,779) are traversed because the primary reference of *West* clearly fails to teach or suggest the originally claimed two helical flutes which open each onto a flat surface forming the wall of a central drilling tooth and of one of two lateral drilling teeth. The plain meaning of the claim language requires that the flat surface form the wall of both the central drilling tooth and one of the two lateral drilling teeth. In other words, the central drilling tooth and one of the two lateral drilling teeth have coplanar flat surfaces. *West* does not fairly teach or suggest the highlighted claim feature because the central drilling tooth does not have any flat surface. As can be seen in FIG. 7B of *West*, reproduced in attached *Exhibit A*, the *West* central drilling tooth only includes a conical surface designated at A, a cylindrical surface designated at B, and another conical surface designated at C. As a result the central drilling tooth of *West* does not include any cutting edges and therefore cannot effectively cut the material in which the *West* anchor is to be driven, as discussed in the specification of the instant application, at page 2, lines 6-8.

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Patent No. 4,157,674) which is relied upon by the Examiner for a completely different claim limitation, i.e., the threaded shank portion of claim 2.

Accordingly, Applicants respectfully submit that the rejections of claims 1-3 are erroneous and should be withdrawn.

New claims 4-6 depend from claim 1 and should be considered patentable over the applied art of record for the reason advanced with respect to claim 1.

New independent claim 7 is patentable over the applied references, because the references, especially *West*, fail to teach or suggest the claimed screw anchor, comprising: a shank; a head formed at an upper end of said shank; a drilling portion formed at a lower end of said shank; and a plurality of external threads which helically coil about said shank between said head and said drilling portion; wherein said drilling portion comprises a central drilling tooth having opposing flat surfaces; and two helical flutes helically extending in the same direction as the external threads, each of said flutes ending at one of said flat surfaces of said central drilling tooth. As discussed above with respect to claim 1, the central drilling tooth of *West* does not include any flat surface.

Claims 8-20 depend from claim 7, and are considered patentable at least for the reason advanced with respect to claim 7. Claims 8-20 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

For example, as to claims 8-16, the applied references, especially *West*, clearly fail to disclose, teach or suggest that each of said lateral drilling teeth having a flat surface being an extension of one of the flat surfaces of said central drilling tooth. Applicants note the Examiner's argument that *West* teaches a flat surface at D in *Exhibit A*. Assuming the Examiner's is correct (*West* does not specifically disclose whether surface D is flat or not), surface D is not an extension of any flat surface of the *West* central drilling tooth.

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As to claims 17-20, the applied references, especially *West*, clearly fail to disclose, teach or suggest that each of said lateral drilling teeth having a flat surface being a continuous extension of one of the flat surfaces of said central drilling tooth. As can be seen in *Exhibit A*, surface D is not a continuous extension of any flat surface of the *West* central drilling tooth.

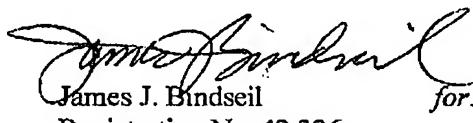
Each of the Examiner's rejections has been traversed. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**



James J. Bindseil

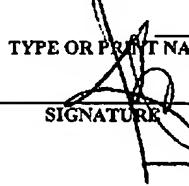
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